

FIRST REGULAR SESSION

HOUSE BILL NO. 347

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VEIT.

0053H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 510, RSMo, by adding thereto eight new sections relating to the uniform interstate depositions and discovery act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 510, RSMo, is amended by adding thereto eight new sections, to be known as sections 510.500, 510.503, 510.506, 510.509, 510.512, 510.515, 510.518, and 510.521, to read as follows:

510.500. Sections 510.500 to 510.521 shall be known and may be cited as the "Uniform Interstate Depositions and Discovery Act".

510.503. As used in sections 510.500 to 510.521, the following terms mean:

(1) "Foreign jurisdiction", a state other than this state;

(2) "Foreign subpoena", a subpoena issued under authority of a court of record of a foreign jurisdiction;

(3) "Person", an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or political subdivision, agency or instrumentality, or any other legal or commercial entity;

(4) "State", a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States;

(5) "Subpoena", a document, however denominated, issued under authority of a court of record requiring a person to:

(a) Attend and give testimony at a deposition;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

14 (b) Produce and permit inspection and copying of designated books, documents,
15 records, electronically stored information, or tangible items in the possession, custody, or
16 control of the person; or

17 (c) Permit inspection of premises under the control of the person.

510.506. 1. To request issuance of a subpoena under this section, a party shall
2 submit a foreign subpoena to a clerk of court in the county in which discovery is sought to
3 be conducted in this state. A request for the issuance of a subpoena under sections 510.500
4 to 510.521 shall not constitute an appearance in the courts of this state.

5 2. If a party submits a foreign subpoena to a clerk of court in this state, the clerk,
6 in accordance with such court's procedure, shall promptly issue a subpoena for service
7 upon the person to which the foreign subpoena is directed.

8 3. A subpoena under subsection 2 of this section shall:

9 (1) Incorporate the terms used in the foreign subpoena; and

10 (2) Contain or be accompanied by the names, addresses, and telephone numbers
11 of all counsel of record in the proceeding to which the subpoena relates and of any party
12 not represented by counsel.

510.509. A subpoena issued by a clerk of court under section 510.506 shall be
2 served in compliance with the Missouri supreme court rules of civil procedure and laws of
3 this state.

510.512. The Missouri supreme court rules of civil procedure and laws of this state,
2 and any amendments thereto, apply to subpoenas issued under section 510.506.

510.515. An application to the court for a protective order or to enforce, quash, or
2 modify a subpoena issued by a clerk of court under section 510.506 shall comply with the
3 Missouri supreme court rules of civil procedure and statutes of this state and be submitted
4 to the court in the county in which discovery is to be conducted.

510.518. In applying and construing sections 510.500 to 510.521, consideration shall
2 be given to the need to promote uniformity of the law with respect to its subject matter
3 among states that enact it.

510.521. Sections 510.500 to 510.521 apply to requests for discovery in cases
2 pending on August 28, 2021.

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